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*Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PLANNED PARENTHOOD FEDERATION  
OF AMERICA, INC., et al.,

Plaintiff,

vs.

CENTER FOR MEDICAL PROGRESS,  
et al.,

Defendants.

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Case No. 3:16-cv-00236-WHO

**DECLARATION OF MATTHEW R.  
DITON IN SUPPORT OF PLAINTIFFS'  
REVISED [PROPOSED] ORDER  
AWARDING FEES AND COSTS**

1 I, Matthew R. Diton, declare:

2 1. I am an attorney admitted to practice in the State of California and before this Court.  
3 I am an associate at the law firm of Arnold & Porter Kaye Scholer LLP and an attorney for Plaintiffs  
4 in the above-captioned action. I make this Declaration upon personal knowledge, excepted as  
5 otherwise stated, and, if called upon to testify, could and would testify competently hereto.

6 2. I make this declaration at the Court's request and in response to the Court's Order  
7 On Motion For Attorney Fees And Costs (ECF 1150, the "Order").

8 3. Submitted contemporaneously herewith is a Revised [Proposed] Order Awarding  
9 Fees And Costs (the "Revised Proposed Order"). In the Revised Proposed Order, Plaintiffs seek  
10 \$12,782,891.25 in attorneys' fees and \$998,119.17 in non-statutory costs.

11 4. To arrive at the revised fee number, Plaintiffs recalculated the chart set forth in the  
12 Reply Declaration of Diana K. Sterk (ECF 1148-2, the "Sterk Reply Declaration") as follows: First,  
13 Plaintiffs reduced the hourly rates of Arielle Feldshon and Matthew Diton to \$562.5/hour and  
14 \$625/hour, respectively—rates 25% higher than their initial billing rates of \$450/hour and  
15 \$500/hour. *See* Order at 4. With these reduced rates, Feldshon's and Diton's "grand total" amounts  
16 decreased to \$763,819 and \$421,313, respectively. Second, Plaintiffs reduced the "grand total"  
17 amounts for Beth Parker and Mai Ratakonda to \$364,087 and \$21,904, respectively—reductions of  
18 70% and 90% than the totals originally sought for these in-house attorneys. *See* Order at 8-9.

19 5. With these reductions, Plaintiffs' new lodestar was recalculated to be \$17,043,855.  
20 Plaintiffs then applied their voluntary, 25% reduction, giving a final amount of \$12,782,891.25.

1           6. To arrive at the revised non-statutory costs number, Plaintiffs took the originally  
2 requested sum (\$1,035,717.68) and subtracted the \$37,598.51 originally requested for “Executive  
3 Protection services” costs. Order at 14-15. This gives a final amount of \$998,119.17 in non-  
4 statutory costs.

5           I declare under penalty of perjury under the laws of the United States that the foregoing is  
6 true and correct. Executed this 5th day of January, 2021, in Alameda, California.

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9 Matthew Diton  
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**ECF ATTESTATION**

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the signatory.

Dated: January 5, 2021

/s/ Steven L. Mayer

Steven L. Mayer